

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Adron Littlemon Floyd v Department of Corrections**
Docket No. **259344**
L.C. No. **04-004185-AH**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),
orders:

The complaint for a writ of habeas corpus is DISMISSED for lack of jurisdiction since plaintiff filed the original action as an improper attempt to appeal of the April 20, 1999 judgment of sentence. Michigan has long held that one may not use a complaint for habeas corpus to collaterally attack one's conviction and sentence. *Triplett v Deputy Warden*, 142 Mich App 774, 780-781; 371 NW2d 862 (1985). In other words, a complaint for a writ of habeas corpus cannot serve as a substitute for an appeal and cannot be used to review the merits of a criminal conviction and sentence. *People v Price*, 23 Mich App 663, 669; 179 NW2d 177 (1970).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN - 7 2005

Date

Sandra Schultz Mengel
Chief Clerk